

**REMARKS**

By this amendment, claims 1-24, 26-29, 31 and 32 are pending, in which claims 25 and 30 are canceled, claims 1, 2, 6, 7, 21, 22, 26 and 27 are currently amended, and claims 31 and 32 are newly presented.

The Office Action mailed April 22, 2005 rejected claims 11-30 under 35 U.S.C. § 102 as anticipated by *Akinpelu et al.* (US 5,661,792), and claims 1-10 as obvious under 35 U.S.C. § 103 based on *Akinpelu et al.* in view of *Bergman et al.* (US 6,798,772).

Applicants respectfully traverse the rejection of claims 11-30 on the merits, because the claimed invention patentably defines over the applied prior art, as next discussed. For example, independent claims 11 and 16 recite “receiving the call destined for a station **directly reachable by the interexchange carrier network.**”

The Office Action (pages 2 and 30) interprets *Akinpelu et al.* as teaching use of an alternate carrier, explaining the subscriber can complete her phone call to terminal (803) be either local exchange carrier (811) or competitive access provider (813) or through cable TV provider (815). However, the competitive access provider is not an interexchange carrier; namely, *Akinpelu et al.* defines a competitive access provider (CAP) as equivalent to a local exchange carrier. For example, *Akinpelu et al.* (col. 1: 15-20) discloses “During the next several years, it is expected that the monopoly held by local exchange carriers will be substantially altered and that Competitive Access Providers (CAPs) will begin to offer customer access for toll calls ....” Also, the Cable TV provider 815 cannot be an interexchange carrier in the context of the claim. Therefore, there can be no support for “receiving the call destined for a **station directly reachable by the interexchange carrier network.**”

As *Akinpelu et al.* fails to disclose all the features of independent claims 11 and 16, these claims are not anticipated by *Akinpelu et al.* Additionally, dependent claims 12-15 and 17-20, depending correspondingly to claims 11 and 16, are also allowable.

In the interest of advancing prosecution, Applicants have amended independent claims 21 and 26. As amended, independent claims 21 and 26 recite “wherein the switch is operated by an interexchange carrier and the **alternative route includes a circuit of the interexchange carrier for directly terminating the call.**” Consistent with the above arguments for the allowability of claims 11 and 16, *Akinpelu et al.* does not disclose this feature.

As regards the obviousness rejection over the claims 1-10, Applicants have amended independent claims 1 and 6 to recite “receiving a query from **a switch associated with a service provider** for an instruction for terminating the call,” and “wherein **the call is terminated over a circuit of the service provider.**” *Akinpelu et al.* is devoid of these features (see e.g., FIGs. 1, 7 and 8 and accompanying text). The addition of *Bergman et al.* does not fill this void. *Bergman et al.* is applied for avoiding toll charges by placing the call over Internet protocol (VoIP). Thus, even assuming the references were properly combined based on some teaching or suggestion in the references, and assuming the modifications proposed in the Office Action were justified by additional teachings or suggestions found in the references, even the combination does not render the claimed invention obvious. Accordingly, Applicants respectfully request withdrawal of the obviousness rejection. Hence, amended independent claims 1 and 6, and claims 2-5 and 7-10 corresponding therefrom, should be indicated as allowable.

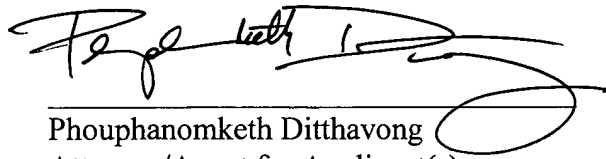
New claims 31 and 32 each recites “wherein the service provider is an interexchange carrier and the circuit is a Dedicated Access Line (DAL).” There is no mention of any use of DALs in the art of record, much less in the manner claimed.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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